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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,486	02/12/2002	Sven Sturm	13871.1US01	7522

23552 7590 09/23/2003

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EXAMINER

FRISTOE JR, JOHN K

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 09/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,486

Applicant(s)

STURM ET AL.

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 7-10, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 3/1/2002 paper no. 2, 10/28/2002 paper no. 3, and 8/14/2003 paper no. 4 are acknowledged by the examiner.

Claim Objections

2. Claim 14 is objected to because of the following informalities: the term "an" should be removed in line 1 since it currently describes a plural noun. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

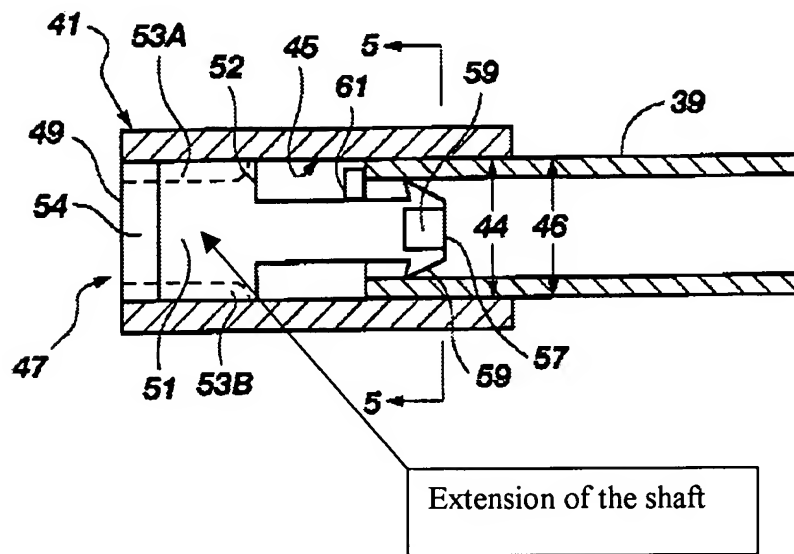
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 11, and 14-18 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,971,357 (Denton et al.). Denton et al. discloses an orally activated fluid dispensing system comprising a fluid source having a fluid reservoir (31), a fluid line (39), an orally activated valve (41) comprising a housing (43), a valve member (47) including an opening (53A, 53B), the housing (43) and valve member (47) creating a flow path, an actuating mechanism including a deformable seal (45) being deformable about the valve member (47), the actuating mechanism having a fluid tight seal preventing fluid flow in a normally closed position (fig. 2, fig. 3) and being actuatable into an open position (fig. 8, fig. 9) to enable fluid flow through said flow path when said sidewall of the housing is deformed, the housing (43) including a chamber

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(55), a plurality of ribs (wall members created by 53A and 53B) within the chamber (55), the ribs (wall members created by 53A and 53B) are commonly connected through a shaft portion (51, as seen in the following picture):



wherein the deformable seal of the actuating mechanism including a sealing structure (45), a seal member (54) disposed at the second end of the valve and cooperating with the sealing structure (45) wherein the sealing structure including a resilient material with a pre-load enabling the sealing structure to releasably stretch about the seal member (col. 2, lines 5-8), in the open position including at least one opening defined by deformation of the sidewall (fig. 8, fig.9), wherein the first axis is pressed by an applied oppositely disposed forces (65A, 65B), wherein the oppositely opposed forces are a squeeze force (col. 1, lines 65-66), and wherein the valve is a rigid plastic member (col. 4, lines 4-8).

5. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,971,357 (Denton et al.). Denton et al. discloses a method of drinking fluids from a fluid source

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comprising providing a fluid system including a fluid source (31), a fluid line (39), and an orally activated drink valve (41) including a housing (43) and a valve member (47), orally securing the drink valve by a fluid system operator (col. 2, lines 11-12), applying oppositely disposed forces about a sidewall of the housing of the drink valve at a first axis (col. 1, lines 66-67), deforming the sidewall of the housing at the first axis to create openings at a second axis and opening a seal of the drink valve enabling fluid flow (col. 2, lines 1-5), and applying a suction force orally drawing fluid from the fluid source and through the fluid line and drink valve to the operator (col. 3, lines 48-54).

Allowable Subject Matter

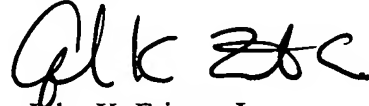
6. Claims 7-10, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (703) 308-1437. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis G. Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



John K. Fristoe Jr.
Examiner
Art Unit 3754

JKF



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
GROUP 3700

9/22/03